

NEBRASKA BOARD OF PHARMACY  
**MEETING MINUTES**  
**September 28, 2015**

**ROLL CALL**

Jennifer King, R.P., Chair, called the meeting of the Board of Pharmacy to order at 8:32 a.m. in the Lighthouse Room of the Country Inn & Suites, located at 5353 North 27<sup>th</sup> Street, Lincoln, Nebraska. The agenda was provided to Board members, posted on a public bulletin board in the Nebraska State Office Building, posted on the Department's website, and e-mailed to the "interested parties" list prior to the meeting. The following Board members answered roll call:

Jennifer King, R.P., Chair  
Patricia Gollner, R.P., Vice-Chair  
Michael Losee, Secretary  
Kenneth Saunders, R.P.  
Robert Marshall, R.P.

A quorum was present and the meeting convened.

Also present were: Julie Agena, Assistant Attorney General; Mike Rueb, R.P., Pharmacy Inspector; Dean Willson, Jr., R.P., Pharmacy Inspector; Gary Cheloha, RP, Pharmacy Inspector; Kathie Lueke, Program Manager; Vonda Apking, Health Licensing Coordinator; Kevin Griess, Department Legal; Dennis Scott, Investigator; Kathleen Krueger, Investigator; Russ Fosler, Investigator; and Larry Wiehn, Investigator.

King announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

**REVIEW OF AGENDA**

Adoption of Agenda

Saunders moved, seconded by Losee, to approve the agenda as presented with the Chair having the authority to rearrange agenda items as needed. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

Lori Fisher – Pharmacy Technician application  
Erica Manns – Pharmacy Technician application  
Jacob McGowan – Pharmacy Technician application  
Aaron Peterson – Pharmacy Technician application  
Nicole Ravenelle – Pharmacy Technician application  
Cheali Weitzel – Pharmacy Technician application  
Eric Mjeldheim – Pharmacy Technician reinstatement application  
Drug Depot Inc dba APS Pharmacy – Mail Service Pharmacy application  
Pharmacy Creations – Mail Service Pharmacy applicaiton  
Specialty Veterinary Pharmacy – Mail Service Pharmacy application  
Walgreens Mail Service – Mail Service Pharmacy renewal application  
Wickliffe Pharmaceuticals – Mail Service Pharmacy renewal application

Adoption of Consent Agenda

Marshall moved, seconded by Saunders, to approve the consent agenda as amended. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

## **PRESCRIPTION DRUG OVERDOSE PREVENTION (PDOP) GRANT – PEG OGEA-GINSBURG, PH PROGRAM MANAGER**

Peg Ogea-Ginsburg, MA, Program Manager and Ashley Newmyer, MPH, CPH, from the DHHS Injury Prevention Program provide the Board with information on the recent grant received to develop/enhance Nebraska's existing prescription drug monitoring program. Ms. Ogea-Ginsburg and Ms. Newmyer will keep the Board updated how the grant monies are being utilized and how the stakeholder meetings are going. The Board thanked Ms. Ogea-Ginsburg and Ms. Newmyer for their presentation.

## **INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS & APPLICATION REVIEW – CLOSED SESSION**

Gollner moved, seconded by Losee, to close the session at 9:04 a.m. to review investigational reports, disciplinary reports, controlled substances audit reports and applications. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

Griess left the meeting at 9:04 a.m.

Marshall recused himself from the meeting at 9:24 a.m.  
Marshall returned to the meeting at 9:33 a.m.

Gollner recused herself from the meeting at 9:33 a.m.  
Gollner returned to the meeting at 9:35 a.m.

Griess rejoined the meeting at 9:45 a.m.

Marshall moved, seconded by Losee, to open the session at 11:14 a.m. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: none. Motion carried.

## **APPROVAL OF MINUTES**

July 13, 2015

Page 1: No changes.

Page 2: No changes.

Page 3: No changes.

Page 4: Under FEDERAL TRADE COMMISSION VS. NORTH CAROLINA DENTAL BOARD SUPREME COURT OPINION – HOW DOES THIS AFFECT NEBRASKA BOARDS?; correct the spelling of "Supreme" in the title; in line six, delete the last "s" from the word "Desists".

Page 5: No changes.

Marshall moved, seconded by Saunders, to approve the July 13, 2015 minutes as corrected. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

## **BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION**

### **Pharmacy Technician Application(s)**

Marshall moved, seconded by Gollner, to recommend a two year probationary registration to Lori Fisher. The basis for the probationary registration is multiple alcohol related convictions. The probationary terms and conditions should include standard terms and conditions for alcohol use disorder to include but not limited to body fluid screens and submit quarterly employer reports. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Saunders, to recommend issuing a pharmacy technician registration to Erica Manns. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Saunders moved, seconded by Losee, to recommend denial of a pharmacy technician registration to Jacob McGowan. The basis for the denial is the misrepresentation of material facts in procuring a credential. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Losee, to recommend postponing action on the pharmacy technician registration of Aaron Peterson for additional information. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Marshall moved, seconded by Saunders, to recommend a two year probationary registration to Nicole Ravenelle. The basis for the probationary registration is multiple alcohol related convictions. The probationary terms and conditions should include standard terms and conditions for stimulant use disorder to include but not limited to body fluid screens, submit quarterly employer reports and follow treatment recommendations. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Losee moved, seconded by Gollner, to recommend denial of a pharmacy technician registration to Cheali Weitzel. The basis for the denial is the misrepresentation of material facts in procuring a credential. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Pharmacy Technician Reinstatement Application(s)

Losee moved, seconded by Saunders, to recommend reinstating the pharmacy technician registration of Eric Mjeldheim on probation for three years. The basis for the probationary registration is multiple alcohol related convictions. The probationary terms and conditions should include standard terms and conditions for alcohol use disorder to include but not limited to body fluid screens, submit quarterly employer reports and follow treatment recommendations. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Mail Service Pharmacy Application(s)

Marshall moved, seconded by Saunders, to recommend denying the mail service pharmacy application of Drug Depot Inc dba APS Pharmacy. The basis for the denial is multiple disciplinary actions and misrepresentation of material facts in procuring a credential. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Saunders moved, seconded by Gollner, to recommend denying the mail service pharmacy application of Pharmacy Creations. The basis for the denial is multiple disciplinary actions. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Mail Service Pharmacy Renewal Application(s)

Marshall moved, seconded by Saunders, to recommend renewing the mail service pharmacy renewal application of Walgreens Mail Service. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Saunders moved, seconded by Marshall, to recommend refusing to renew the mail service pharmacy renewal application of Wickliffe Pharmaceuticals. The basis for refusing to renew is pending action against the pharmacy by the Food and Drug Administration (FDA) and the Kentucky Board of Pharmacy. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Mail Service Pharmacy Application(s) – Con't

Gollner moved, seconded by Marshall, to recommend issuing the mail service pharmacy license to Specialty Veterinary Pharmacy. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Dispensing Practitioner License Application(s)

Gollner moved, seconded by Saunders, to recommend denying the dispensing practitioner application of James Shehan, MD. The basis for the denial is that Dr. Shehan indicating on the dispensing practitioner application that he would be offering wholesale compounded prescription drug items for resale from a company that does not hold a Nebraska wholesale drug distributor license and the compounded prescription drug items are non-FDA approved drugs. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### Pharmacist Application(s) - Consent

#### Pharmacist Intern Application(s) – Consent

#### Ratify E-Mail Ballots Since Last Meeting

The Board members voted via e-mail ballot to have Jennifer King, PharmD be their representative at the Tri-Regulator Symposium in Arlington, VA on October 6-7, 2015.

### **REVIEW OF PHARMACEUTICAL CARE AGREEMENTS – CONSENT**

#### **CONSIDERATIONS FOR IMPLEMENTING LB 37**

The Board reviewed the memos that the Department previously sent out to licensees. Marshall moved seconded by Gollner, to develop a Board policy on recommending approval to compound certain drugs that are not commercially available. Marshall volunteered to write a Board policy regarding compounding certain drugs not commercially available. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried. The policy needs to include how recommendations should be presented to the Board for approval and include drugs from the short supply list issued by the Food and Drug Administration (FDA) and the American Society of Health-System Pharmacists (ASHP) or other lists available.

#### **REGULATIONS DEVELOPMENT**

##### 175 NAC 8 – Pharmacy Licensure

Apking provide the Board members with an explanation of the changes already made to the regulations and some that still need to be developed. The Board requested that changes be completed and the regulations brought back for approval at the next meeting.

##### 172 NAC 128 – Pharmacy Personnel Licensure

Apking provide the Board with an explanation of the changes made to the pharmacy personnel licensure regulations. Marshall moved, seconded by Gollner, to approve the 172 NAC 128-Pharmacy Personnel Licensure regulations as amended and set them for public hearing. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

#### **PRACTICE QUESTION(S)**

Is there a recommended practice without being in violation, if a pharmacy dispensed such outdated meds?

Can a pharmacist provide collaborative practice of care (transition of care) from a chart order to the retail location (either within the organization or outside the organization)?

#### **PROPOSED RESPONSE TO THE PRACTICE QUESTION REGARDING ANTICIPATORY COMPOUNDING**

The Board discussed the proposed response presented by King regarding the anticipatory compounding. Marshall moved, seconded by Gollner, to approve the letter submitted by King. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried. A copy of the letter should be sent to all Nebraska hospitals, the Nebraska Pharmacists Association (NPA), Nebraska Medical Association (NMA) and the Nebraska Hospital Association (NHA).

#### **PRESCRIBERS AND PRESCRIBING AUTHORITY CHART**

The Board discussed the 2015 draft of the Prescribers and Prescribing Authority Chart. Gollner moved, seconded by Saunders, to approve the Prescribers and Prescribing Authority Chart with the changes as discussed. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

### **FORMULARY FOR PUBLIC HEALTH CLINICS WITH DELEGATED DISPENSING PERMIT**

Marshall moved, seconded by Gollner, to approve the formulary for Public Health Clinics with a Delegated Dispensing Permit. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

### **PRESENTATION OF PROPOSED PHARMACY TECHNICIAN CERTIFICATION (UNMC)**

Keith Olsen, PharmD, Professor and Chairman, UNMC, explained to the Board the UNMC will start offering pharmacy technician training. This program will prepare individuals to practice as pharmacy technicians in Nebraska and to take a pharmacy technician certification examination. The Program Director will be developing a state certification examination.

### **RESPONSE REGARDING EMERGENCY ROOM DOSING OF CONTROLLED SUBSTANCES IN CRITICAL ACCESS HOSPITALS**

The Board reviewed the Department's response regarding emergency room dosing of controlled substances in critical access hospitals. Griess agreed to help develop language for the pharmacy regulations regarding this issue.

### **LETTER FROM ATTORNEY GENERAL'S OFFICE REGARDING FTC OPINION**

The Board reviewed the letter from the Attorney General's office regarding their opinion on the FTC's opinion. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

### **NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES**

#### **Report from District V Meeting – August 6-8, 2015 – Fargo, ND**

Losee and Gollner discussed some of the topics of discussion at the District V meeting including technology that helps individuals with disabilities, opioid overdose prevention, the need for additional pharmacy education programs, pharmacy technician certification, pass/fail scores for the NAPLEX examination, and collaborative practice agreements. Losee and Gollner thanked the Board for allowing them to attend this meeting on their behalf.

#### **2016 District V Meeting Planning**

Marshall mentioned that meeting planning is moving along. Possible ideas for an outing would be touring a micro-brewery or the Husker training facilities. A possible dinner idea would be catering a private dinner at the Sheldon Art Gallery. The Board provide ideas for possible speakers such as Think Whole Person Healthcare, technology that helps individuals with disabilities, and opioid overdose prevention.

### **2016 MEETING DATES**

The following dates were identified as the 2016 meeting dates:

- January 25, 2016
- March 21, 2016
- May 23, 2016
- July 25, 2016
- September 26, 2016
- November 21, 2016
- January 30, 2017

The Board also granted Marshall's request to change the 2015 November meeting date to November 9, 2015.

Gollner mentioned that she would be attending the Pharmacist Assessment for Remediation Evaluation (PARE) Item Development Workshop provided by NABP.

**ADJOURNMENT**

Saunders moved, seconded by Losee, to adjourn the meeting at 2:18 pm. Voting aye: Gollner, King, Losee, Marshall, and Saunders. Voting nay: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Michael Losee, Secretary  
Board of Pharmacy